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10 and COLORADO CASUALTY INSURANCE
COMPANY
11

12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA
14

15 GREAT-WEST LIFE & ANNUITY
INSURANCE COMPANY, and
16 MEDIVERSAL, INC.,

17 Plaintiffs-Counter-
defendants,

18 v.
19

20 AMERICAN ECONOMY INSURANCE
COMPANY and COLORADO CASUALTY
INSURANCE COMPANY,
21

22 Defendants- Counter-
Plaintiffs.
23

CASE NO. 2:11-cv-02082-APG-CWH

**STIPULATED MOTION REQUESTING
THAT THE COURT PLACE UNDER SEAL
PORTION OF EXHIBIT D TO
DEFENDANTS' PARTIAL SUMMARY
JUDGMENT MOTION (DKT. 210) AND
GRANT LEAVE FOR DEFENDANTS TO
FILE REPLACEMENT VERSION OF
EXHIBIT D WITH REDACTIONS OF
CONFIDENTIAL INFORMATION**

ORDER

24 MOTION

25 Defendants/Counter-Plaintiffs American Economy Insurance Company and Colorado
26 Casualty Insurance Company (collectively "AEI"), and Plaintiffs/Counter-Defendants Great-West
27 Life & Annuity Insurance Company and Mediversal, Inc., hereby stipulate and request that the Court
28 place under seal Exhibit D (Dkt. 210-12) to Defendants' motion for partial summary judgment filed

1 on April 7, 2014 (Dkt. 210), which consists of excerpts from the deposition of Bryce Kunimoto, a
2 lawyer who defended Mediversal in the underlying Huynh Lawsuit. In place of that publicly filed
3 Exhibit D, the parties request that the Court grant AEI leave to file a Substitute Exhibit D, which will
4 have the same pages of Mr. Kunimoto's deposition except redactions will be made to pages 129 and
5 177.

6 The basis for this motion is that when AEI filed this motion for partial summary judgment
7 (Dkt. 210) on April 7, 2014, its counsel and counsel for Plaintiffs overlooked the fact that the
8 settlement amount in the underlying Huynh Lawsuit was included on page 177, line 24 of the
9 Kunimoto deposition testimony attached as Exhibit D to that motion (Dkt. 210-12 at 28 line 24). In
10 addition, counsel for the Holland & Hart firm (where Mr. Kunimoto works) have suggested that some
11 confidential medical information about Mr. Huynh that is mentioned on page 129 line 20 not be
12 included in the Court's public file.

13 As explained below, although the *Kamakana* principles call for filing key documents
14 concerning dispositive motions in the Court's public file, the Court also has authority to allow the
15 filing under seal of redacted pages to keep confidential information out of the public file.

16 WHEREFORE, in order to maintain the confidentiality of the settlement amount paid in the
17 underlying case and some information about Mr. Huynh's medical condition, the parties respectfully
18 request that the Court:

- 19 a. enter an order placing under seal Defendants' Exhibit D filed on April 7, 2014 at Dkt.
20 210-12, 1-30; and
21 b. grant AEI leave to file a replacement copy of that Exhibit D with redactions to pages
22 129 and 177.
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MEMORANDUM IN SUPPORT

In support of this Motion, AEI states as follows:

1 Defendants filed their Motion for Partial Summary Judgment To Enter Judgment In
2 Favor Of Defendants On Plaintiffs' Third, Fourth, Fifth, Sixth, And Seventh Claims For Relief on
3 April 7, 2014 (Dkt. 210). Exhibit D (Dkt. 210-12) to that motion consists of excerpts from the
4 deposition of Bryce Kunimoto, a lawyer who defended Mediversal in the underlying Huynh Lawsuit.
5

6
7 2. When AEI filed this motion, its counsel and counsel for Plaintiffs overlooked the fact
8 that the settlement amount in the underlying Huynh Lawsuit was included on page 177, line 24 of the
9 Kunimoto deposition testimony attached as Exhibit D to that motion (Dkt. 210-12 at 28 line 24). In
10 addition, counsel for the Holland & Hart firm (where Mr. Kunimoto works) have suggested that some
11 confidential medical information about Mr. Huynh that is mentioned on page 129 line 20 not be
12 included in the Court's public file.

13 3. In place of that publicly filed Exhibit D, the parties request that the Court grant AEI
14 leave to file a Substitute Exhibit D, which will be the same pages of Mr. Kunimoto's deposition
15 except redactions will be made to pages 129 and 177 to block out confidential information.
16

17 4. The Court should place Exhibit D (Dkt. 210-12) under seal and allow the filing of this
18 substitute version of Exhibit D because the information on pages 129 and 177 contains confidential
19 information concerning the settlement amount for the underlying Huynh Lawsuit, and medical
20 information about Mr. Huynh.

21 5. Under the *Kamakana* standard: "For a document filed with a dispositive motion,
22 'compelling reasons' must be shown to justify sealing the document." *Colato v. LeGrand*, No. 3:10-
23 cv-00470-RCJ-VPC, 2011 WL 2651571 at *1 (D. Nev. July 5, 2011). "To the extent any
24 confidential information can be easily redacted while leaving meaningful information available to the
25 public, the Court must order that redacted versions be filed rather than sealing entire documents."
26 *Aevoe Corp. v. AE Tech. Co.*, No. 2:12-cv-00053-GMN-NJK, 2014 WL 551563 (D. Nev. Feb. 7,
27 2014); *see also Allstate Insurance Company v. Balle*, No. 2:10-cv-02205-APG-NGK (D. Nev. Nov.
28 19, 2013) (same).

1 WHEREFORE, in order to maintain the confidentiality of the settlement amount paid in the
2 underlying case and some information about Mr. Huynh's medical condition, the parties respectfully
3 request that the Court:

4 a. enter an order placing under seal Defendants' Exhibit D filed on April 7, 2014 at Dkt.
5 210-12, 1-30; and

6 b. grant AEI leave to file a replacement copy of that Exhibit D with redactions to pages
7 129 and 177.

8 DATED April 23, 2014.

9 KOELLER NEBEKER CARLSON
10 & HALUCK, LLP

AKERMAN SENTERFITT LLP

11 By: s/ Ian Gillan
12 IAN P. GILLAN, ESQ.

By: s/ Darren T. Brenner
DARREN T. BRENNER

13 and

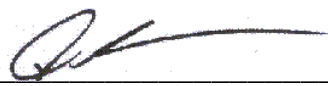
14 GIBSON, DUNN & CRUTCHER LLP
15 /s/ Gregory J. Kerwin
16 Attorneys for Defendants/Counter-
Plaintiffs

WHEELER TRIGG O'DONNELL LLP
/s/ Evan Stephenson
Attorneys for Plaintiffs/Counter-
Defendants

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18 **ORDER**

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20 **IT IS SO ORDERED.**

21 Dated: April 28, 2014.

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24 UNITED STATES DISTRICT JUDGE